

**EXHIBIT C**



"Timothy J. Hogan"  
<tjh@loio.com>

03/28/2006 10:24 AM

To "Damian Capozzola" <dcazzola@kirkland.com>  
"Lex Smith \E-mail\" <lex@gte.net>, "Lyle Hosoda"  
<lsh@hosodalaw.com>, "Lyle Hosoda"  
<lshosoda@hotmail.com>, "Lex R. Smith"  
<lsmith@kslaw.com>, "Michael Baumann \E-mail\"  
cc <mbaumann@kirkland.com>, "Olivia Samad"  
<OSamad@kirkland.com>, "Raina Mead"  
<rpbm@hosodalaw.com>, "Richard Wynne \E-mail\"  
<rwyne@kirkland.com>

bcc

Subject RE: Jack Borja-Atlantic Pacific International, Inc. ("API")

Dear Mr. Capozzola:

I was writing to you as API's attorney. Your threats against Mr. Berry are childish and hollow but at least you are consistent.

Notes of witness interviews are discoverable. I can also depose Mr. Smith and subpoena the document in the Bankruptcy case should an objection to the API claim surface. I thought this was a way to mitigate the harm Mr. Smith's ill advised acts had caused.

I note that you are billing Mr. Berry for matters outside of the current litigation. For instance, why are you billing him for communications with Core-Mark's treasurer or for communications with GECC?

As to the costs of this litigation, you may have forgotten you started this litigation by suing Mr. Berry. As to who pays what, your failure to meet your burden on profits has not been finally adjudicated. I would hold the champagne until cert. denied.

I expect nothing from you and your firm but more infringement, more litigation and more and more billings to the prejudice of the PCT Beneficiaries.

As to Core-Mark, I note that you have stated to me that they are not your client so you should have not objection to me contacting Core-Mark to inquire regarding what basis there may be for you to bill Mr. Berry for communications with Core-Mark's treasurer so that I can timely respond to your motion.

Tim Hogan

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**From:** Damian Capozzola [mailto:dcapozzola@kirkland.com]  
**Sent:** Monday, March 27, 2006 4:09 PM  
**To:** Timothy J. Hogan  
**Cc:** Lex Smith (E-mail); 'Lyle Hosoda'; 'Lyle Hosoda'; 'Lex R. Smith'; Michael Baumann (E-mail); 'Olivia Samad'; 'Raina Mead'; Richard Wynne (E-mail)  
**Subject:** Re: Jack Borja-Atlantic Pacific International, Inc. ("API")

Mr. Hogan:

Please provide the complete legal basis, if any, on which you rest your assertion that anyone should send you anything about the issue you raise below. Absent a compelling legal justification for your request you may expect further correspondence on this issue to be attached to forthcoming papers supplementing the PCT's request for attorneys' fees, as it presently seems that your request is a perfect example of the kind of harassment that caused the PCT to incur millions of dollars in fees and costs defending against claims that (for a third time) failed to exceed \$100,000.

Thank you for your attention to these matters.

--Damian Capozzola

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"Timothy J. Hogan"  
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03/25/2006 09:19 PM

Please respond to  
<tjh@loio.com>

"Richard Wynne (E-mail)" <rwyne@kirkland.com>, "Michael Baumann (E-mail)" <mbaumann@kirkland.com>, "Damian Capozzola" <damian\_capozzola@la.kirkland.com>, "Eric Liebler (E-mail)" <eliebler@kirkland.com>, "Lex R. Smith" <lsmith@ksglaw.com>, To "Lex Smith (E-mail)" <lex@gte.net>, "Lyle Hosoda" <lshosoda@hotmail.com>, "Lyle Hosoda" <lsh@hosodalaw.com>, "Olivia Samad" <OSamad@kirkland.com>, "Raina Mead" <rpbm@hosodalaw.com>

cc

Subject Jack Borja-Atlantic Pacific International, Inc. ("API")

Dear Mr. Baumann and Mr. Wynne:  
Please send me a copy of this report no later than 5:00 pm on Monday 3/27/2006. This individual, who your co-counsel contacted on your client's behalf, was covered by my client's (API's) attorney client privilege regarding the matters relevant to this case, when this report was created in

violation of Hawaii and I presume California's DR's.  
Here is the time entry for K&E/C&S Co-Counsel:

12/11/2006 LRS 2 \$200 \$400 Meeting with Jack Borja and prepare report  
regarding same.  
Work on objection to trial exhibits; respond to Hogan  
correspondence regarding motion in limine regarding "bad 1/13/2006 LRS 9  
\$200

Tim Hogan

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